

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

SECURITIES AND EXCHANGE)
COMMISSION,) Civil Action No. 4:10-cv-0701-TLW-TER
)
 Plaintiff,)
)
 vs.) **ORDER**
)
 M. MARK McADAMS and R. DANE)
 FREEMAN,)
)
 Defendants.)
)

In this action, Plaintiff alleges violations of the Section 17(a) of the Securities Act of 1933 (“Securities Act”), 15 U.S.C. § 77q(a), and Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. § 78j(b). Both Defendants are proceeding pro se. Presently before the Court are Plaintiff’s Motions to Compel (Documents # 85, 103) and Motion to Stay Scheduling Order (Document # 104). All pretrial proceedings have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(e), D.S.C.

In its first Motion to Compel (Document # 85), Plaintiff seeks an Order compelling Defendant M. Mark McAdams to appear for deposition. Defendant McAdams has not responded to the Motion. On October 6, 2011, Plaintiff noticed McAdams’ deposition for 10:00 a.m. on November 16, 2011, at A. William Roberts Reporting in Myrtle Beach, South Carolina. Counsel for Plaintiff appeared for the deposition. At 11:00 a.m., counsel for Plaintiff went on record to document Defendant McAdams’ failure to appear at the deposition.

Plaintiff’s Motion to Compel (Document # 85) is granted. Defendant McAdams must appear at his deposition as scheduled by Plaintiff within twenty days of the date of this Order. Failure to

abide by this order may result in sanctions as provided in Rule 37, Fed.R.Civ.P.

In its second Motion to Compel, Plaintiff seeks to compel Defendant Freeman to respond to Plaintiff's Interrogatories and Requests for Production. Defendant Freeman has not responded to the Motion. Plaintiff served discovery requests on Defendant Freeman on August 2, 2011. Defendant Freeman has failed to provide any responses to Plaintiff's discovery requests. Plaintiff's second Motion to Compel is granted. Defendant Freeman is directed to serve responses to Plaintiff's discovery requests, including sworn answers to Plaintiff's Interrogatories and production of documents requested in Plaintiff's Requests for Production, within fourteen (14) days of the date of this Order. Failure to abide by this Order may result in sanctions, up to and including, a recommendation that Defendant Freeman's Answer be stricken and that he be held in default, in accordance with Rule 37, Fed.R.Civ.P.

For the reasons discussed above, Plaintiff's first Motion to Compel (Document # 85) is **GRANTED** and Defendant McAdams must make himself available for deposition within twenty days of the date of this Order. Plaintiff's second Motion to Compel (Document # 103) is **GRANTED** and Defendant Freeman must serve responses to Plaintiff's Interrogatories and Requests for Production within fourteen days of the date of this Order. Plaintiff's Motion to Stay (Document # 104) is **MOOT**. An Amended Scheduling Order is entered herewith.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

May 31, 2012
Florence, South Carolina